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8 *Attorneys for Plaintiff,*  
9 Backgrid USA, Inc.

10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 BACKGRID USA, INC., a California  
13 corporation,

14 Plaintiff,

15 v.

16 FORGIATO INC. a California  
17 Corporation; and DOES 1-10,  
18 inclusive,

19 Defendants.

Case No.: 2:24-cv-10730

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT  
(17 U.S.C. § 501)**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Backgrid USA, Inc., complains against Defendant Forgiato Inc., and  
2 Does 1-10 (collectively, “Defendants”) as follows:

3 **JURISDICTION AND VENUE**

4 1. This is a civil action against Defendants for acts of copyright  
5 infringement under the Copyright Act, 17 U.S.C. §§ 101 *et seq.* This Court has  
6 subject matter jurisdiction under 28 U.S.C. § 1331, 17 U.S.C. § 501(a), and 28  
7 U.S.C. § 1338(a) and (b).

8 2. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and  
9 28 U.S.C. § 1400(a) in that the claim arises in this judicial district, and, on  
10 information and belief, the Defendants and their agents reside and may be found in  
11 this judicial district, and the injury suffered by Plaintiff took place in this judicial  
12 district. Defendants are subject to the general and specific personal jurisdiction of  
13 this Court because of their contacts with the State of California.

14 **PARTIES**

15 3. Plaintiff Backgrid, USA Inc. (“Backgrid”) is a California corporation  
16 existing under the laws of California, with its principal place of business located in  
17 Los Angeles, California.

18 4. On information and belief, Defendant Forgiato Inc. (“Forgiato”) is a  
19 corporation existing under the laws of California. On information and belief, its  
20 principal place of business is in Sun Valley, California.

21 5. The true names or capacities, whether individual, corporate, or  
22 otherwise, of the Defendants named herein as Does 1 through 10, inclusive, are  
23 unknown to Plaintiff, who therefore sues said Defendants by such fictitious names.  
24 Plaintiff will ask leave of Court to amend this Complaint and insert the true names  
25 and capacities of said Defendants when the same have been ascertained.

26 **FACTS COMMON TO ALL COUNTS**

27 *Backgrid and the Content that Frames This Dispute*

28 6. Backgrid owns and operates one of Hollywood’s largest celebrity-

1 photograph agencies that has earned a reputation for regularly breaking scoops on  
2 sought-after celebrity news. It owns the intellectual property rights, including the  
3 copyrights, to photographs that have been licensed to numerous top-tier outlets, such  
4 as TMZ, Entertainment Tonight, New York Post, People Magazine, Huffington Post,  
5 the Daily Mail, as well as many television stations, newspapers and other prominent  
6 media outlets throughout the world. Each license has been granted for valuable  
7 consideration, up to hundreds of thousands of dollars.

8         7. Among many other in-demand works, Backgrid owns coveted  
9 photographs and video of Kim Kardashian (the “Kardashian Content”). The  
10 Kardashian Content that is at issue in this action is timely registered. Backgrid filed  
11 for copyright registration of the Kardashian Content within 90 days of its first  
12 publication with the United States Copyright Office. The copyright registrations are  
13 shown hereto in Exhibit A.

14                     *Defendants and Their Willfully Infringing Activity*

15         8. Defendant Forgiato is a high-end custom wheel manufacturer for  
16 performance cars. On information and belief, to promote its brand and product,  
17 Defendant controls and operates two Instagram Accounts, [instagram.com/forgiato](https://www.instagram.com/forgiato)  
18 and [instagram.com/wheels](https://www.instagram.com/wheels) (“Instagram Accounts”).

19         9. Defendants reproduced, distributed, displayed, and created  
20 unauthorized derivative works of the Kardashian Content on the Instagram Accounts  
21 without consent or license, as shown in Exhibit B, which is incorporated herein by  
22 reference. Exhibit B includes a photo and a screenshot of the video which together  
23 are the Kardashian Content.

24         10. Defendants violated federal law by willfully infringing Backgrid’s  
25 copyrights to at least two works, the Kardashian Content, on, at least, the Instagram  
26 Accounts. Among other things, Defendants are sophisticated parties who protect  
27 their own intellectual property. For example, Defendants filed a copyright  
28 registration for the Forgiato website with the United States Copyright Office,

1 VA0001806985. Defendants also filed trademark registrations for their trademarks  
2 with the United States Patent and Trademark Office.

3 11. Defendants induced, caused, or materially contributed to the  
4 reproduction, distribution, and public display of the Kardashian Content and  
5 derivatives thereof, all while knowing or having reason to know of the infringement  
6 on the Instagram Accounts was without permission, consent, or license.

7 12. On information and belief, Defendants operate and control the  
8 Instagram Accounts at all times relevant to this dispute and financially benefit from  
9 the infringement of the Kardashian Content displayed thereto. On information and  
10 belief, Defendants have driven significant traffic to their Instagram Accounts, and  
11 therefore increased its revenues, in large part due to the presence of the sought-after  
12 and searched-for Kardashian Content that frames this dispute. All of this traffic  
13 translates into a substantial ill-gotten commercial advantage and brand awareness as  
14 a direct consequence of their infringing actions.

15 13. Backgrid attempted to resolve this dispute prior to filing this above  
16 captioned action.

17 **FIRST CLAIM FOR RELIEF**

18 **(Copyright Infringement, 17 U.S.C. § 501)**

19 14. Backgrid incorporates by reference the allegations in paragraphs 1  
20 through 13 above.

21 15. Backgrid is the owner of all rights, title, and interest in the copyrights of  
22 the Kardashian Content s that frames this dispute, which substantially consist of  
23 wholly original material, and which are copyrightable subject matter under the laws  
24 of the United States.

25 16. Backgrid filed for copyright registration of the Kardashian Content  
26 within 90 days of their first publication with the United States Copyright Office.

27 17. Defendants have directly, vicariously, contributorily and/or by  
28 inducement willfully infringed Backgrid's copyrights by reproducing, displaying,

1 distributing, and utilizing the Kardashian Content for purposes of trade in violation  
2 of 17 U.S.C. § 501 *et seq.*

3 18. All of the Defendants' acts are and were performed without permission,  
4 license, or consent of Backgrid.

5 19. Backgrid has identified at least two instances of infringement by way of  
6 the unlawful reproduction and display of Backgrid's Kardashian Content.

7 20. As a result of the acts of Defendants alleged herein, Backgrid has  
8 suffered substantial economic damage.

9 21. Defendants have willfully infringed, and unless enjoined, will continue  
10 to infringe Backgrid's copyrights by knowingly reproducing, displaying,  
11 distributing, and utilizing its photographs and video by, among other things, virtue  
12 of Defendants' encouragement of the infringement and financial benefits they  
13 receive from Backgrid's copyrights.

14 22. The wrongful acts of Defendants have caused, and are causing, injury to  
15 Backgrid, which cannot be accurately computed, and unless this Court restrains  
16 Defendants from further commission of said acts, Backgrid will suffer irreparable  
17 injury, for all of which it is without an adequate remedy at law. Accordingly,  
18 Backgrid seeks a declaration that Defendants are infringing Backgrid's copyrights  
19 and an order under 17 U.S.C. § 502 enjoining Defendants from any further  
20 infringement.

21 23. The above-documented infringements alone would entitle Backgrid to a  
22 potential award of up to \$150,000 per work in statutory damages for each of the two  
23 infringed works, in addition to its attorney's fees.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

26 1. That the Defendants, and their officers, agents, servants, employees,  
27 and representatives, and all persons in active concert or participation with them, be  
28 permanently enjoined from copying, reproducing, displaying, promoting,

1 advertising, distributing, or selling, or any other form of dealing or transaction in,  
2 any and all works owned by Backgrid;

3 2. That an accounting be made for all profits, income, receipts or other  
4 benefit derived by Defendants from the unlawful reproduction, copying, display,  
5 promotion, distribution, or sale of products and services, or other media, either now  
6 known or hereafter devised, that improperly or unlawfully infringes upon Plaintiff's  
7 copyrights pursuant to 17 U.S.C. § 504 (a)(1) & (b);

8 3. For actual damages and disgorgement of all profits derived by  
9 Defendants from their acts of copyright infringement, removal, and for all damages  
10 suffered by it by reasons of Defendant's acts, under 17 U.S.C. § 504 (a)(1) & (b);

11 5. For statutory damages for copyright infringement, including willful  
12 infringement, in accordance with 17 U.S.C. § 504(a)(2) & (c);

13 6. For reasonable attorneys' fees incurred herein pursuant to 17 U.S.C. §  
14 505;

15 7. For costs and interest pursuant to 17 U.S.C. § 504 (a)(1) & (b), 17  
16 U.S.C. § 505; and

17 8. For any such other and further relief as the Court may deem just and  
18 appropriate.

19  
20 Dated: December 12, 2024

**ONE LLP**

21  
22 By: /s/ Joanna Ardalan  
23 Joanna Ardalan

24 *Attorneys for Plaintiff,*  
25 *Backgrid USA, Inc.*  
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**DEMAND FOR JURY TRIAL**

Plaintiff Backgrid USA, Inc., hereby demands trial by jury of all issues so triable under the law.

Dated: December 12, 2024

**ONE LLP**

By: /s/ Joanna Ardalan

Joanna Ardalan

*Attorneys for Plaintiff,*  
Backgrid USA, Inc.